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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

Case No. CR03-479-JCC

10 v.)

11 TIMOTHY A. HOTCHKISS,)

12 Defendant.)

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on January 28,
15 2010. The defendant appeared pursuant to a summons issued in this case. The United States
16 was represented by James D. Oesterle, and defendant was represented by Daron Morris. Also
17 present was U.S. Probation Officer Carol Chavez. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on June 14, 2004 by the Honorable John C. Coughenour for Mail
20 Fraud. He received 5 years probation with standard and special conditions. On May 23, 2008,
21 defendant's probation term was revoked following the Court's finding that he committed eight
22 alleged violations. Defendant's sentence was modified to 6 months detention with credit for
23 time served followed by 2 years supervised release to include the same standard and special

1 conditions as previously imposed.

2 PRESENTLY ALLEGED VIOLATIONS

3 In a petition dated December 21, 2009, Senior U.S. Probation Officer Mark Okano alleged
4 that defendant violated the following conditions of supervised release:

- 5 1. Maintaining employment in real estate without prior approval of the U.S. Probation
6 Office, in violation of a special condition.
- 7 2. Failing to keep the probation officer advised at all times of the nature and detail of
8 employment, in violation of a special condition.
- 9 3. Failing to notify the probation officer at least ten days prior to any change in
10 residence or employment, in violation of standard condition 6.
- 11 4. Failing to disclose all assets and liabilities and failing to consult with the probation
12 officer before transferring, selling, or otherwise conveying any asset, in violation of a
13 special condition.

14 FINDINGS FOLLOWING EVIDENTIARY HEARING

15 The government withdrew violations 1 through 3. Defendant admitted to violation 4,
16 waived any hearing as to whether it occurred, and was informed the matter would be set for a
17 disposition hearing on February 12, 2010, 9:00 a.m. before District Judge John C. Coughenour.

18 RECOMMENDED FINDINGS AND CONCLUSIONS

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 28th day of January, 2010.

22 

23 BRIAN A. TSUCHIDA
United States Magistrate Judge